

FILED
Clerk
District Court

DEC - 2 2005

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For The Northern Mariana Islands
By _____
(Deputy Clerk)

5 Attorneys for Defendant P & S Inc.

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE
8 NORTHERN MARIANA ISLANDS

9 ANGELO M. LABORCE,

Civil Action No. 05-0036

10 Plaintiff,

11 vs.

12 S-WON INC., P & S, INC., YOUNG
13 KYUN KIM, JOHN GERALD
14 PANGELINAN, DANIEL MUNA
15 QUITUGUA, DARREL MUNA
16 QUITUGUA and JOE CRISOSTOMO,

17 Defendants.

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1 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, and 55.

2 3. In answer to Paragraph numbered 8, it is admitted that the defendant Young Kyun
3 Kim, is a Korean citizen. Defendant is without sufficient information to either affirm or deny
4 whether he was a resident of Saipan during the relevant period as alleged within the paragraph and
5 therefore denies same.

6 4. In answer to Paragraph numbered 9, it is admitted that defendant S-Won Inc. owned
7 and operated a poker business established on the island of Saipan named Capital Poker. It is
8 specifically denied that P & S, Inc. owned and operated the poker establishment.

9 5. In answer to Paragraph numbered 17, defendant is without sufficient information to
10 either affirm or deny that the plaintiff was working as a security guard on April 19, 2004 at
11 approximately 5:00 a.m.. It is admitted, however, that plaintiff was working for his employer,
12 defendant S-Won Inc., at Capital Poker.

13 6. In answer to Paragraph numbered 29, it is admitted that P & S did not obtain worker's
14 compensation insurance for the benefit of the plaintiff. P & S had no obligation to provide such
15 insurance as it was not the employer of the plaintiff. Defendant is without sufficient information to
16 either affirm or deny that defendant S-Won had worker's compensation insurance in place for the
17 benefit of the plaintiff and therefore denies same.

18 7. To the extent that Paragraph 31 properly sets forth the statute at 4 CMC §9305, all
19 such allegations contained therein are admitted.

20 8. In answer to Paragraph numbered 32, defendant lacks sufficient information to either
21 affirm or deny whether plaintiff may appropriately elect to preserve compensation of injuries outside

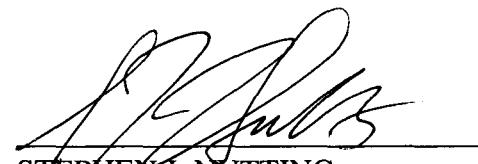
1 of the Worker's Compensation statute. Because P & S was not the employer of the plaintiff, P & S
2 is not limited as to any defense it may raise in this action.
3

4 9. In answer to Paragraph numbered 16, 34, 39, and 47, defendant either affirms or
5 denies the allegations referenced therein and as set forth in this answer.
6

7 AFFIRMATIVE DEFENSE
8

9 Plaintiff's complaint fails to state a cause of action for which relief can be had against
10 defendant P & S Inc. as P & S Inc. was not the employer of the plaintiff, and was not in privity with
11 the plaintiff, and had no obligation to the plaintiff.
12

13 Dated this 2nd day of December, 2005.
14

15 
16 STEPHEN J. NUTTING
17 Attorney for Defendant P & S, Inc.
18

19 VERIFICATION
20

21 I, WOO, JUNG SIK, manager of defendant P & S, Inc., to hereby swear and affirm under
22 penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and
23 that I am competent to testify as to all matters stated herein if so called upon. Executed this 2nd
24 day of December, 2005 at Saipan, Commonwealth of the Northern Mariana Islands.
25

26 
27 WOO, JUNG SIK
28 Authorized Representative of P & S, Inc.